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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,883	04/13/2000	Michael I. Watkins	2558B-061300US	7641
7590 07/27/2006			EXAMINER	
M. HENRY H		GABEL, C	GABEL, GAILENE	
TOWNSEND AND TOWNSEND CREW LLP TWO EMBARCADERO CENTER, 8TH FLOOR SAN FRANCISCO, CA 94111-3834			ART UNIT	PAPER NUMBER
			1641	-
			DATE MAILED: 07/27/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
•	09/548,883	WATKINS ET AL.
Office Action Summary	Examiner	Art Unit
•	Gailene R. Gabel	1641
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days fill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	ely filed s will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 12 Octo  2a) This action is <b>FINAL</b> . 2b) This  3) Since this application is in condition for allowar closed in accordance with the practice under Expression in the practice of the condition for allowar closed in accordance with the practice under Expression in the condition for allowar closed in accordance with the practice under Expression in the condition for alloward closed in accordance with the practice under Expression in the condition for alloward closed in accordance with the practice under Expression in the condition for alloward closed in accordance with the practice under Expression in the condition for alloward closed in accordance with the practice under Expression in the condition for alloward closed in accordance with the practice under Expression in the condition for all the conditions for all the	action is non-final. nce except for formal matters, pro	
Disposition of Claims		
<ul> <li>4)  Claim(s) 1-30 is/are pending in the application.</li> <li>4a) Of the above claim(s) 23-25,29 and 30 is/ar</li> <li>5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) 1-22 and 26-28 is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) 1-30 are subject to restriction and/or expressions.</li> </ul>	e withdrawn from consideration.	
Application Papers		
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acce Applicant may not request that any objection to the correct Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	ected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Application ity documents have been receive (PCT Rule 17.2(a)).	on No d in this National Stage
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa	

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#### SUPPLEMENTAL OFFICE ACTION

### Applicant's Response

1. Applicant's amendment and response filed October 12, 2005 is further acknowledged. Claims 23-25, 29 and 30 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being claims drawn to a non-elected invention. Claims 1-30 are pending. Claims 1-22 and 26-28 remain under examination.

#### Maintained Rejections

#### Claim Rejections - 35 USC § 103

- 2. Claims 1-2, 7-15, 18, and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins et al. (WO 99/26067) in view of Dietzen (US 5,795,789) and in further view of Weckermann (WO 95/02824) for reasons of record.
- 3. Claims 20-22 and 26-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins et al. (WO 99/26067) in view of Dietzen (US 5,795,789) and in further view of Weckermann (WO 95/02824) as applied to claims 1-2, 7-15, 18, and 19 above, and further in view of Frengen (US 5,723,346) for reasons of record.
- 4. Claims 3, 16, and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins et al. (WO 99/26067) in view of Dietzen (US 5,795,789) and in further view of Weckermann (WO 95/02824) as applied to claims 1-2, 7-15, 18, and 19 above, and further in view of Smith et al. (US 4,332,784) for reasons of record.

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5. Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins et al. (WO 99/26067) in view of Dietzen (US 5,795,789) and in further view of Weckermann (WO 95/02824) as applied to claims 1-2, 7-15, 18, and 19 above, and further in view Frieden et al. (J. Biol. Chem. (1948), 176, 155-63) and Block et al. (J. Med. Chem. (1976), 19(8), 1067-9) for reasons of record.

## Response to Arguments

- 6. Applicant's argument filed October 12, 2005 has been fully considered and is further acknowledged.
- A) Applicant argues that current Rule 78 is not applicable to the present application which was filed on April 13, 2000 because a change was enacted upon Rule 78 which became effective on November 29, 2000. Applicant contends that the change was expressly made applicable only to patent applications filed after November 29, 2000.

Upon further consideration of Applicant's response filed on October 12, 2005, the requirement of a 37 CFR 1.131 affidavit or declaration as set forth in page 4 of the Office Action mailed to Applicant on April 20, 2006 is being withdrawn. In place thereof, Examiner requires Applicant to 1) adequately amend the specification as set forth on July 15, 2005 to reflect that the instant application is a CIP of ASN 09/302,920, which is now US Patent 6,280,618, and 2) submit a properly executed CIP oath or declaration reflecting the relationship between the instant application and ASN 09/302,920, if

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Applicant were to intend to antedate the current prior art of record. In so doing, the priority of the instant application and the prior art of record will be reconsidered accordingly.

## Allowable Subject Matter

- 7. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gailene R. Gabel whose telephone number is (571) 272-0820. The examiner can normally be reached on Monday, Tuesday, and Thursday, 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gailene R. Gabel Patent Examiner

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July 20, 2006

TECHNOLOGY CENTER 1600